

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STEVEN L. ROMANSKY,)	
)	
Petitioner,)	Civil Action No. 09-745
)	
v.)	
)	Magistrate Judge Bissoon
LOUIS S. FOLINO, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM AND ORDER

Steven L. Romansky is a state prisoner incarcerated at the State Correctional Institution at Greene, located in Waynesburg, Pennsylvania, who has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. §2254. Romanksy challenges his January 11, 2000 state court conviction in the Court of Common Pleas of Pike County for receiving stolen property and related offenses. This is not, however, the proper venue for Romansky's challenge.

The venue statute applicable to habeas corpus petitions, 28 U.S.C. § 2241(d), provides for concurrent jurisdiction in both "the district court for the district wherein such person is in custody" and "the district court for the district within which the State court . . . which convicted and sentenced him" is located. *Id.* The court where the application is filed has discretion to transfer the matter to the other district court with jurisdiction. *Id.* Also, the provisions of 28 U.S.C. §1404 grant district courts discretion to transfer cases to any other district where the action may have been commenced by a habeas petitioner.

Romansky was convicted and sentenced in Pike County, Pennsylvania. Accordingly, the state court records necessary to appropriately dispose of this case are located in Pike County. In addition, it is likely that any potential witnesses reside in Pike County, which is located within the jurisdiction of the United States District Court for the Middle District of Pennsylvania.

Moreover, the district courts in the three federal districts in the Commonwealth of Pennsylvania all follow the uniform practice of transferring habeas petitions filed by persons incarcerated within their districts to the district that encompasses the county where the conviction occurred. For these reasons, this action will be transferred to the United States District Court for the Middle District of Pennsylvania pursuant to the provisions of 28 U.S.C. §2241(d) and 28 U.S.C. §1404.

AND NOW, this 27th day of July, 2009,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Steven L. Romanksy be TRANSFERRED FORTHWITH to the United States District Court for the Middle District of Pennsylvania.

s/Cathy Bissoon
Cathy Bissoon
United States Magistrate Judge

cc:

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